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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,246	09/17/2003	James Bumgardner	UV-438 CIP	3327
1473 7590 09/26/2007 ROPES & GRAY LLP PATENT DOCKETING 39/361 1211 AVENUE OF THE AMERICAS NEW YORK, NY 10036-8704			EXAMINER DANG, HUNG Q	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 09/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/605,246	Applicant(s) BUMGARDNER ET AL.	
	Examiner Hung Q. Dang	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/01/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 16-19, and 32-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohno et al. (US 2001/0028782).

Regarding claim 1, Ohno et al. disclose a video recorder system (Fig. 1; Fig. 5), comprising: at least a first and second video recorder configured to utilize a broadcast signal each of said video recorders having one or more tuners (Fig. 1; Fig. 5; [0030]; [0044]); a network connecting said first and second video recorders (Fig. 5; [0044]); and a conflict manager associated with said first video recorder configured to determined

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when all of said one or more tuners in said first video recorder are unavailable and to use said network to access a connected tuner in said second video recorder if said connected tuner is available ([0050]; [0056]).

Regarding claim 2, Ohno et al. also disclose said first and second video recorders further comprise: an input mechanism configured to receive said broadcast signal ("Antenna" in Fig. 1; [0030]); a storage device configured to store said broadcast signal ("Storage 110" in Fig. 1; [0030]; [0040]); an output mechanism configured to display said broadcast signal by obtaining said broadcast signal from said storage device ("Image Display Unit 107" in Fig. 1; [0041]); and a transfer mechanism configured to obtain a portion of said broadcast signal at an appropriate time, if possible, and to transfer said portion of said broadcast signal to said storage device based on a user input ([0036]; [0040]).

Regarding claim 3, Ohno et al. also disclose said conflict manager determines when said transfer mechanism will be unable to obtain said portion of said broadcast signal by determining when a total number of tuners in said first video recorder is less than a number of shows needed to be used by said total number of tuners to obtain said portion of said broadcast signal ([0046]; [0050]).

Regarding claim 16, Ohno et al. also disclose said network connecting each of said video recorders is distributed across one or more locations (Fig. 5).

Claim 17 is rejected for the same reason as discussed in claim 1 above.

Regarding claim 18, Ohno et al. also disclose receiving said broadcast signal ([0030]); storing said broadcast signal in a storage device ([0030]; [0040]); displaying

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said broadcast signal by accessing said storage device ([0041]); transferring said broadcast signal by obtaining a portion of said broadcast signal from said storage device at an appropriate time based on a user input ([0036]; [0040]); and managing conflicts by determining in advance when it will not be possible to obtain said portion of said broadcast signal and performing a conflict resolution process in response ([0050]).

Regarding claim 19, Ohno et al. also disclose determining a number of tuners in said first video recorder; determining a number of shows that make up said portion of said broadcast signal; and determining if said number of tuners is smaller than said number of shows ([0046]; [0050]).

Claim 32 is rejected for the same reason as discussed in claim 16 above.

Regarding claim 33, Ohno et al. also disclose detecting said second video recorder using said network ([0050]; [0056]); determining if said second video recorder has an available tuner ready ([0056]; [0057]); using said available tuner, if ready ([0056]; [0057]; [0058]); detecting one or more other video recorders, if not ready ([0058]); determining if any of said other video recorder has another available tuner ready ([0056]; [0057]; [0058]); and using said another available tuner, if ready ([0058]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6, 8-14, 20-22, and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohno et al. (US 2001/0028782) as applied to claims 1-3, 16-19, and 32-33 above, and further in view of Ismail et al. (US 2003/0118323).

Regarding claim 4, see the teachings of Ohno et al. as discussed in claim 3 above. However, Ohno et al. do not disclose said conflict manager further establishes a priority associated with each of one or more shows, and instructs said transfer mechanism to transfer to said storage device as many of said one or more shows as possible which have a highest priority.

Ismail et al. disclose a conflict manager establishes a priority associated with each of one or more shows ([0006]; [0009]), and instructs said transfer mechanism to transfer to said storage device as many of said one or more shows as possible which have a highest priority ([0009]; [0054]; [0056]).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the conflict manager disclosed by Ismail et al. into the video recorder disclosed by Ohno et al. to record as many preferred programs as possible onto the storage device. The incorporated feature would result in optimum use of storage device.

Regarding claim 5, Ismail et al. also disclose said priority is established by determining if a first show of said one or more shows is currently being transferred to said storage device and setting said first show to said highest priority ([0008]; note that the show that is currently being transferred is the most recently recorded program; [0011]).

Regarding claim 6, Ismail et al. also disclose said priority is established by determining if a first show of said one or more shows is scheduled for a manual transfer and setting said first show to said highest priority, if a remainder of said one or more shows are set for an automatic transfer ([0055]).

Regarding claim 8, Ismail et al. also disclose said priority is established by determining if a first show of said one or more shows is a longer show and setting said first show to said highest priority ([0054]).

Regarding claim 9, Ismail et al. also disclose said conflict manager further determines if a first show of said one or more shows is available for transfer to said storage device at a later time and not transferring said first show to said storage device currently (recording weekly in [0019]).

Regarding claim 10, Ismail et al. also disclose it is determined if said first show is available for transfer at a later time by examining an interactive program guide (IPG), searching through said IPG to match a title of said one of said shows to a title of another instance of said first show later in said IPG ([0019]; [0026]; [0038]).

Regarding claim 11, Ismail et al. also disclose said user input instructs said transfer mechanism to repeatedly transfer one or more shows in one or more series ([0019]).

Regarding claim 12, Ismail et al. also disclose if there is a conflict between a first and a second series and bumping one of said series having a lower priority ([0019]; [0054]).

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Regarding claim 13, Ismail et al. also disclose said conflict manager further comprises determining if one of said shows in one of said series is available for transfer at a later time and not transferring said one of said shows currently ([0019]).

Regarding claim 14, Ismail et al. also disclose said conflict manager further comprises determining if one of said shows in one of said series is a repeat and not transferring said one of said shows currently ([0019]).

Claim 20 is rejected for the same reason as discussed in claim 4 above.

Claim 21 is rejected for the same reason as discussed in claim 5 above.

Claim 22 is rejected for the same reason as discussed in claim 6 above.

Claim 24 is rejected for the same reason as discussed in claim 8 above.

Claim 25 is rejected for the same reason as discussed in claim 9 above.

Claim 26 is rejected for the same reason as discussed in claim 10 above.

Claim 27 is rejected for the same reason as discussed in claim 11 above.

Claim 28 is rejected for the same reason as discussed in claim 12 above.

Claim 29 is rejected for the same reason as discussed in claim 13 above.

Claim 30 is rejected for the same reason as discussed in claim 14 above.

Claims 7 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohno et al. (US 2001/0028782) and Ismail et al. (US 2003/0118323) as applied to claims 1-6, 9-11, 13-14, 16-22, 25-27, 29-30, and 32-33 above, and further in view of Fletcher et al. (US Patent 5,012,409).

Regarding claim 7, see the teachings of Ohno et al. and Ismail et al. as discussed in claim 4 above. Ismail et al. also disclose determining if a first and a second

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of said one or more shows are a series ("broadcast weekly" in [0019]). However, the proposed combination of Ohno et al. and Ismail et al. does not disclose said priority is established by and examining a series queue wherein a location of said first and said second of said shows determines said highest priority.

Fletcher et al. disclose priority is established by and examining a series queue wherein highest location determines highest priority (column 4, lines 28-35).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the series queue disclosed by Fletcher et al. into the video recorder disclosed by Ohno et al. and Ismail et al. as a choice of implementation.

Claim 23 is rejected for the same reason as discussed in claim 7 above.

Claims 15 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohno et al. (US 2001/0028782).

Regarding claim 15, see the teachings of Ohno et al. as discussed in claim 1 above. However, Ohno et al. do not disclose said network connecting each of said video recorders is entirely within a single household.

Home network is very well known in the art. Thus, Official Notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to modify the recorder network disclosed by Ohno et al. into a home network that comprises plurality of video recorders for home use purpose. Also, being entirely within a single household would facilitate maintenance and upgrading.

Claim 31 is rejected for the same reason as discussed in claim 15 above.

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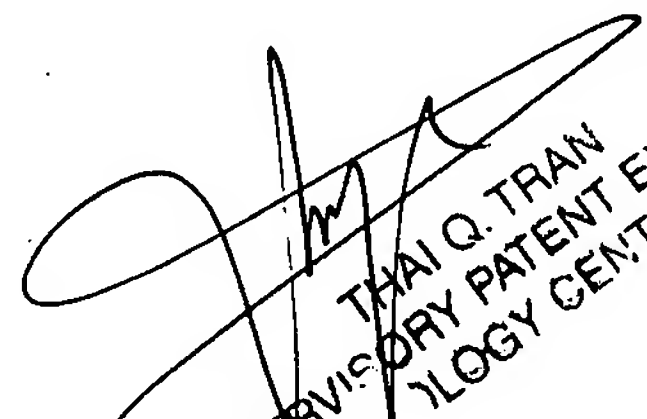
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is 571-270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hung Dang
Patent Examiner


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